COMMONWEALTH of VIRGINIA

DEPARTMENT OF ENVIRONMENTAL QUALITY

TIDEWATER REGIONAL OFFICE

5636 Southern Boulevard, Virginia Beach, Virginia 23462

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Molly Joseph Ward
Secretary of Natural Resources

David K. Paylor
Director

Maria R. Nold
Regional Director

Permit No: VA0004162
Effective Date: December 01, 2015
Expiration Date: November 30, 2020

AUTHORIZATION TO DISCHARGE UNDER THE

VIRGINIA POLLUTANT DISCHARGE ELIMINATION SYSTEM

AND

THE VIRGINIA STATE WATER CONTROL LAW

In compliance with the provisions of the Clean Water Act as amended and pursuant to the State Water Control Law and regulations adopted pursuant thereto, the following owner is authorized to discharge in accordance with the information submitted with the permit application, and with this cover page, and Parts I and II of this permit, as set forth herein.

Owner: International Paper Company
Facility Name: International Paper - Franklin Mill
City: Franklin
County: Isle of Wight
Facility Location: 34040 Union Camp Drive, Franklin, VA 23851

The owner is authorized to discharge to the following receiving stream:

Stream: See Attachment
River Basin:
River Subbasin:
Section:
Class:
Special Standards:

_____

Maria R. Nold

_____

Date

ATTACHMENT I

Outfall No(s).	Receiving Stream
001, 002	Blackwater River Basin: Chowan and Dismal Swamp Subbasin: Chowan River Section: 1 Class: II Special Standard(s): NEW-21
006, 007, 010, 012, 013, 014	Washole Creek Basin: Chowan and Dismal Swamp Subbasin: Chowan River Section: 2 Class: VII Special Standard: NEW-21
008 009, 011	Kingsale Swamp Basin: Chowan and Dismal Swamp Subbasin: Chowan River Section: 2 Class: VII Special Standard: NEW-21
015	Beaverdam Swamp Basin: Chowan and Dismal Swamp Subbasin: Chowan River Section: 2 Class: VII Special Standard: NEW-21

PART I

A. FINAL EFFLUENT LIMITATIONS AND MONITORING REQUIREMENTS

1. From the effective date of the permit and lasting until the first full discharge season after TAK Investments, Inc., Phase II begins, the permittee is authorized to discharge from outfall(s): 001 (process wastewater from "D" pond) (Phase I).

Such discharges shall be limited and monitored by the permittee as specified below:

EFFLUENT CHARACTERISTICS	DISCHARGE LIMITATIONS			MONITORING REQUIREMENTS [a]		
	Monthly Average	Weekly Average	Minimum	Maximum	Frequency	Sample Type
Flow (MGD) [b]	NL	NA	NA	NL	1/Day	Measured
Flow, Seasonal (MG) [b]	NA	NA	NA	14,000	1/Month	Measured
pH (S.U.)[d]	NA	NA	6.0	9.0	1/Week	Grab
Total Suspended Solids (mg/l)[c][d]	292	NA	NA	584	1/Week	Grab
Total Suspended Solids (x 10^6) (lb/sea)	NA	NA	NA	2.88	1/Month	Grab
BOD_5 (mg/l)[c][d]	143	NA	NA	286	1/Week	Grab
BOD_5 (x 10^6) (lb/sea)	NA	NA	NA	4.4	1/Month	Grab
COD (mg/l)	NL	NA	NA	NL	1/Month	Grab
Color, PCU	NL	NA	NA	NL	1/Week	Grab
Total Nitrogen (mg/l)	NL	NA	NA	NL	1/Month	Grab
Total Phosphorus (mg/l)	2	NA	NA	NL	1/Week	Grab
Total Phosphorus (x 10^6) (lb/sea)	NA	NA	NA	0.2	1/Month	Grab
Ammonia-Nitrogen (NH_3-N)(mg/l) [c]	2.15	NA	NA	3.19	1/Week	Grab
Ammonia-Nitrogen (NH_3-N) (x 10^6) (lb/sea) [c]	0.22	NA	NA	0.32	1/Month	Grab
2,3,7,8-TCDD (pg/l) [a] [c]	0.02	NA	NA	0.02	1/Season	Grab
2,3,7,8-TCDD (x 10^{-5}) (lb/sea) [a] [c]	NA	NA	NA	0.19	1/Season	Grab
2,3,7,8-TCDF (pg/l) [a] [c]	NA	NA	NA	NL	1/Season	Grab
2,3,7,8-TCDF (x 10^{-5}) (lb/sea) [a] [c]	NA	NA	NA	NL	1/Season	Grab
AOX (mg/l) [c][d]	21	NA	NA	47	1/Month	Grab
AOX (lb/sea) [c]	NL	NA	NA	175,000	1/Month	Grab

NA = Not Applicable
NL = No limit, however, reporting is required
1/Season = November 1 - March 31

PART I

A. FINAL EFFLUENT LIMITATIONS AND MONITORING REQUIREMENTS - Outfall 001 (Continued)(Phase I)

[a] See Part I.B.11 for additional information concerning sampling methodology.
[b] Flow rate shall be measured by daily recording of the settings on properly calibrated discharge gates.
[c] See Parts I.B.6 and I.B.7 for additional information concerning quantification levels (QLs) and compliance reporting.
[d] See Part I.B.9. for effluent monitoring frequencies.

Upon issuance of the permit, Discharge Monitoring Reports (DMRs) shall be submitted to the regional office at the frequency required by the permit regardless of whether an actual discharge occurs. In the event that there is no discharge for the monitoring period, then "no discharge" shall be reported on the DMR.

2. There shall be no discharge of floating solids or visible foam in other than trace amounts.
3. DEQ shall be notified 30-days prior to transition to the next manufacturing phase.

PART I

A. FINAL EFFLUENT LIMITATIONS AND MONITORING REQUIREMENTS

1. From the beginning of the first full discharge season after TAK Investments, Inc., Phase II begins and lasting until the first full discharge season after ST Tissue Phase III begins, the permittee is authorized to discharge from outfall(s): 001 (process wastewater from "D" pond) (Phase II).

Such discharges shall be limited and monitored by the permittee as specified below:

EFFLUENT CHARACTERISTICS	DISCHARGE LIMITATIONS			MONITORING REQUIREMENTS [a]		
	Monthly Average	Weekly Average	Minimum	Maximum	Frequency	Sample Type
Flow (MGD) [b]	NL	NA	NA	NL	1/Day	Measured
Flow, Seasonal (MG) [b]	NA	NA	NA	14,000	1/Month	Measured
pH (S.U.)[d]	NA	NA	6.0	9.0	1/Week	Grab
Total Suspended Solids (mg/l)[c][d]	307	NA	NA	614	1/Week	Grab
Total Suspended Solids ($\times 10^6$) (lb/sea)	NA	NA	NA	2.88	1/Month	Grab
BOD_5 (mg/l)[c][d]	155	NA	NA	310	1/Week	Grab
BOD_5 ($\times 10^6$) (lb/sea)	NA	NA	NA	4.4	1/Month	Grab
COD (mg/l)	NL	NA	NA	NL	1/Month	Grab
Color, PCU	NL	NA	NA	NL	1/Week	Grab
Total Nitrogen (mg/l)	NL	NA	NA	NL	1/Month	Grab
Total Phosphorus (mg/l)	2	NA	NA	NL	1/Week	Grab
Total Phosphorus ($\times 10^6$) (lb/sea)	NA	NA	NA	0.2	1/Month	Grab
Ammonia-Nitrogen (NH_3-N)(mg/l) [c]	2.15	NA	NA	3.19	1/Week	Grab
Ammonia-Nitrogen (NH_3-N) ($\times 10^6$) (lb/sea) [c]	0.22	NA	NA	0.32	1/Month	Grab
2,3,7,8-TCDD (pg/l) [a] [c]	0.02	NA	NA	0.02	1/Season	Grab
2,3,7,8-TCDD ($\times 10^{-5}$) (lb/sea) [a] [c]	NA	NA	NA	0.19	1/Season	Grab
2,3,7,8-TCDF (pg/l) [a] [c]	NA	NA	NA	NL	1/Season	Grab
2,3,7,8-TCDF ($\times 10^{-5}$) (lb/sea) [a] [c]	NA	NA	NA	NL	1/Season	Grab
AOX (mg/l) [c][d]	21	NA	NA	47	1/Month	Grab
AOX (lb/sea) [c]	NL	NA	NA	175,000	1/Month	Grab

NA = Not Applicable
NL = No limit, however, reporting is required
1/Season = November 1 - March 31

PART I

A. FINAL EFFLUENT LIMITATIONS AND MONITORING REQUIREMENTS - Outfall 001 (Continued) (Phase II)

[a] See Part I.B.11 for additional information concerning sampling methodology.
[b] Flow rate shall be measured by daily recording of the settings on properly calibrated discharge gates.
[c] See Parts I.B.6 and I.B.7 for additional information concerning quantification levels (QLs) and compliance reporting.
[d] See Part I.B.9. for effluent monitoring frequencies.

Upon issuance of the permit, Discharge Monitoring Reports (DMRs) shall be submitted to the regional office at the frequency required by the permit regardless of whether an actual discharge occurs. In the event that there is no discharge for the monitoring period, then "no discharge" shall be reported on the DMR.

2. There shall be no discharge of floating solids or visible foam in other than trace amounts.
3. DEQ shall be notified 30-days prior to transition to the next manufacturing phase.

PART I

A. FINAL EFFLUENT LIMITATIONS AND MONITORING REQUIREMENTS

1. From the beginning of the first full discharge season after TAK Investments, Inc., Phase III begins and lasting until the first full discharge season after ST Tissue Phase IV begins, the permittee is authorized to discharge from outfall(s): 001 (process wastewater from "D" pond) (Phase III).

Such discharges shall be limited and monitored by the permittee as specified below:

EFFLUENT CHARACTERISTICS	DISCHARGE LIMITATIONS			MONITORING REQUIREMENTS [a]		
	Monthly Average	Weekly Average	Minimum	Maximum	Frequency	Sample Type
Flow (MGD) [b]	NL	NA	NA	NL	1/Day	Measured
Flow, Seasonal (MG) [b]	NA	NA	NA	14,000	1/Month	Measured
pH (S.U.)[d]	NA	NA	6.0	9.0	1/Week	Grab
Total Suspended Solids (mg/l)[c][d]	305	NA	NA	610	1/Week	Grab
Total Suspended Solids (x 10^6) (lb/sea)	NA	NA	NA	2.88	1/Month	Grab
BOD_5 (mg/l)[c][d]	149	NA	NA	298	1/Week	Grab
BOD_5 (x 10^6) (lb/sea)	NA	NA	NA	4.4	1/Month	Grab
COD (mg/l)	NL	NA	NA	NL	1/Month	Grab
Color, PCU	NL	NA	NA	NL	1/Week	Grab
Total Nitrogen (mg/l)	NL	NA	NA	NL	1/Month	Grab
Total Phosphorus (mg/l)	2	NA	NA	NL	1/Week	Grab
Total Phosphorus (x 10^6) (lb/sea)	NA	NA	NA	0.2	1/Month	Grab
Ammonia-Nitrogen (NH_3-N)(mg/l) [c]	2.15	NA	NA	3.19	1/Week	Grab
Ammonia-Nitrogen (NH_3-N) (x 10^6) (lb/sea) [c]	0.22	NA	NA	0.32	1/Month	Grab
2,3,7,8-TCDD (pg/l) [a] [c]	0.02	NA	NA	0.02	1/Season	Grab
2,3,7,8-TCDD (x 10^{-5}) (lb/sea) [a] [c]	NA	NA	NA	0.19	1/Season	Grab
2,3,7,8-TCDF (pg/l) [a] [c]	NA	NA	NA	NL	1/Season	Grab
2,3,7,8-TCDF (x 10^{-5}) (lb/sea) [a] [c]	NA	NA	NA	NL	1/Season	Grab
AOX (mg/l) [c][d]	21	NA	NA	47	1/Month	Grab
AOX (lb/sea) [c]	NL	NA	NA	175,000	1/Month	Grab

NA = Not Applicable
NL = No limit, however, reporting is required
1/Season = November 1 - March 31

PART I

A. FINAL EFFLUENT LIMITATIONS AND MONITORING REQUIREMENTS - Outfall 001 (Continued) (Phase III)

[a] See Part I.B.11 for additional information concerning sampling methodology.
[b] Flow rate shall be measured by daily recording of the settings on properly calibrated discharge gates.
[c] See Parts I.B.6 and I.B.7 for additional information concerning quantification levels (QLs) and compliance reporting.
[d] See Part I.B.9. for effluent monitoring frequencies.

Upon issuance of the permit, Discharge Monitoring Reports (DMRs) shall be submitted to the regional office at the frequency required by the permit regardless of whether an actual discharge occurs. In the event that there is no discharge for the monitoring period, then "no discharge" shall be reported on the DMR.

2. There shall be no discharge of floating solids or visible foam in other than trace amounts.
3. DEQ shall be notified 30-days prior to transition to the next manufacturing phase.

PART I

A. FINAL EFFLUENT LIMITATIONS AND MONITORING REQUIREMENTS

1. From the beginning of the first full discharge season after TAK Investments, Inc., Phase IV begins and lasting until permit expiration, the permittee is authorized to discharge from outfall(s): 001 (process wastewater from "D" pond) (Phase IV).

Such discharges shall be limited and monitored by the permittee as specified below:

EFFLUENT CHARACTERISTICS	DISCHARGE LIMITATIONS			MONITORING REQUIREMENTS [a]		
	Monthly Average	Weekly Average	Minimum	Maximum	Frequency	Sample Type
Flow (MGD) [b]	NL	NA	NA	NL	1/Day	Measured
Flow, Seasonal (MG) [b]	NA	NA	NA	14,000	1/Month	Measured
pH (S.U.)[d]	NA	NA	6.0	9.0	1/Week	Grab
Total Suspended Solids (mg/l)[c][d]	310	NA	NA	620	1/Week	Grab
Total Suspended Solids (x 10^6) (lb/sea)	NA	NA	NA	2.88	1/Month	Grab
BOD_5 (mg/l)[c][d]	152	NA	NA	304	1/Week	Grab
BOD_5 (x 10^6) (lb/sea)	NA	NA	NA	4.4	1/Month	Grab
COD (mg/l)	NL	NA	NA	NL	1/Month	Grab
Color, PCU	NL	NA	NA	NL	1/Week	Grab
Total Nitrogen (mg/l)	NL	NA	NA	NL	1/Month	Grab
Total Phosphorus (mg/l)	2	NA	NA	NL	1/Week	Grab
Total Phosphorus (x 10^6) (lb/sea)	NA	NA	NA	0.2	1/Month	Grab
Ammonia-Nitrogen (NH_3-N)(mg/l) [c]	2.15	NA	NA	3.19	1/Week	Grab
Ammonia-Nitrogen (NH_3-N) (x 10^6) (lb/sea) [c]	0.22	NA	NA	0.32	1/Month	Grab
2,3,7,8-TCDD (pg/l) [a] [c]	0.02	NA	NA	0.02	1/Season	Grab
2,3,7,8-TCDD (x 10^{-5}) (lb/sea) [a] [c]	NA	NA	NA	0.19	1/Season	Grab
2,3,7,8-TCDF (pg/l) [a] [c]	NA	NA	NA	NL	1/Season	Grab
2,3,7,8-TCDF (x 10^{-5}) (lb/sea) [a] [c]	NA	NA	NA	NL	1/Season	Grab
AOX (mg/l) [c][d]	21	NA	NA	47	1/Month	Grab
AOX (lb/sea) [c]	NL	NA	NA	175,000	1/Month	Grab

NA = Not Applicable
NL = No limit, however, reporting is required
1/Season = November 1 - March 31

PART I

A. FINAL EFFLUENT LIMITATIONS AND MONITORING REQUIREMENTS - Outfall 001 (Continued) (Phase IV)

[a] See Part I.B.11 for additional information concerning sampling methodology.
[b] Flow rate shall be measured by daily recording of the settings on properly calibrated discharge gates.
[c] See Parts I.B.6 and I.B.7 for additional information concerning quantification levels (QLs) and compliance reporting.
[d] See Part I.B.9. for effluent monitoring frequencies.

Upon issuance of the permit, Discharge Monitoring Reports (DMRs) shall be submitted to the regional office at the frequency required by the permit regardless of whether an actual discharge occurs. In the event that there is no discharge for the monitoring period, then "no discharge" shall be reported on the DMR.

2. There shall be no discharge of floating solids or visible foam in other than trace amounts.
3. DEQ shall be notified 30-days prior to transition to the next manufacturing phase.

PART I

A. FINAL EFFLUENT LIMITATIONS AND MONITORING REQUIREMENTS

1. From the permit's effective date and lasting until permit expiration, the permittee is authorized to discharge from outfall(s): 103 (F bleach plant effluent).

Such discharges shall be limited and monitored by the permittee as specified below:

EFFLUENT CHARACTERISTICS	DISCHARGE LIMITATIONS			MONITORING REQUIREMENTS [a]		
	Monthly Average	Weekly Average	Minimum	Maximum	Frequency	Sample Type
Flow (MGD) [b]	NL	NA	NA	NL	1/Month	Measured
2,3,7,8-TCDD (pg/l) [c]	NA	NA	NA	Non-Detect	1/Year	Grab
2,3,7,8-TCDF (pg/l) [c]	NA	NA	NA	31.9	1/Year	Grab
Chloroform (ug/l) [c]	NL	NA	NA	NL	1/Year	Grab
Chloroform (g/day) [c]	3463	NA	NA	5788	1/Year	Grab
Trichlorosyringol (ug/l) [c]	NA	NA	NA	Non-Detect	1/Year	Grab
3,4,5-Trichlorocatechol (ug/l) [c]	NA	NA	NA	Non-Detect	1/Year	Grab
3,4,6-Trichlorocatechol (ug/l) [c]	NA	NA	NA	Non-Detect	1/Year	Grab
3,4,5-Trichloroguaiacol (ug/l) [c]	NA	NA	NA	Non-Detect	1/Year	Grab
3,4,6-Trichloroguaiacol (ug/l) [c]	NA	NA	NA	Non-Detect	1/Year	Grab
4,5,6-Trichloroguaiacol (ug/l) [c]	NA	NA	NA	Non-Detect	1/Year	Grab
2,4,5-Trichlorophenol (ug/l) [c]	NA	NA	NA	Non-Detect	1/Year	Grab
2,4,6-Trichlorophenol (ug/l) [c]	NA	NA	NA	Non-Detect	1/Year	Grab
Tetrachlorocatechol (ug/l) [c]	NA	NA	NA	Non-Detect	1/Year	Grab
Tetrachloroguaiacol (ug/l) [c]	NA	NA	NA	Non-Detect	1/Year	Grab
2,3,4,6-Tetrachlorophenol (ug/l) [c]	NA	NA	NA	Non-Detect	1/Year	Grab
Pentachlorophenol (ug/l) [c]	NA	NA	NA	Non-Detect	1/Year	Grab
Kappa Annual Average-Softwood [d]	20	NA	NA	NA	1/Month	Grab
Kappa Monthly Average [d]	NL	NA	NA	NA	1/Month	Grab

1/Year = January 1 - December 31

NA = Not Applicable
NL = No limit, however, reporting is required
Non-Detect = Non-Detectable at the required QL

PART I

A. FINAL EFFLUENT LIMITATIONS AND MONITORING REQUIREMENTS - Outfall 103 (Continued)

[a] See Part I.B.15. for additional information concerning sampling methodology.
[b] Flow rate shall be determined by measurement devices when available, and in the absence of such devices, by flow balances around and within the bleach plant sewer. All information used to determine flow rates shall be retained in accordance with Part II.B.
[c] See Parts I.B.6 and I.B.7 for additional information concerning quantification levels (QLs) and compliance reporting.
[d] See Part I.B.16 For additional information concerning Kappa Number measurement and reporting.

PART I

A. LIMITATIONS AND MONITORING REQUIREMENTS

1. During the period beginning with the permit's effective date and lasting until the permit's expiration date, the permittee is authorized to discharge from outfall(s): 002 (storm water runoff from north rail yard area); 006,007(storm water runoff from south end of facility); 008, 009, 011 (storm water runoff from natural areas outside of landfill dike); 012, 013 (storm water runoff from trailer parking areas); 014 (storm water runoff from gravel construction material and trailer storage lots)

Such discharges shall be limited and monitored by the permittee as specified below:

THESE OUTFALLS SHALL CONTAIN ONLY STORM WATER RUNOFF ASSOCIATED WITH A REGULATED INDUSTRIAL ACTIVITY WHERE NO BIOLOGICAL MONITORING IS REQUIRED. THERE SHALL BE NO DISCHARGE OF PROCESS WASTEWATER FROM THESE OUTFALLS. THE PERMITTEE SHALL IMPLEMENT PROPER STRUCTURAL AND/OR NON-STRUCTURAL BMP's TO CONTROL POLLUTANTS FROM THESE OTFALLS. SEE PART I.E. FOR ADDITIONAL REQUIREMENTS.

2. There shall be no discharge of floating solids or visible foam in other than trace amounts.

PART I

A. LIMITATIONS AND MONITORING REQUIREMENTS

1. During the period beginning with the permit's effective date and lasting until the permit's expiration date, the permittee is authorized to discharge from outfall(s): 010 and 015 (untreated fresh groundwater resulting from periodic flushing of the supply line)

Such discharges shall be limited and monitored by the permittee as specified below:

THESE OUTFALLS SHALL CONTAIN ONLY UNTREATED FRESH GROUNDWATER WHERE NO MONITORING IS REQUIRED. THERE SHALL BE NO DISCHARGE OF PROCESS WASTEWATER OR STORM WATER FROM THESE OUTFALLS.

B. OTHER REQUIREMENTS OR SPECIAL CONDITIONS

1. Nutrient Enriched Waters Reopener

This permit may be modified or, alternatively, revoked and reissued to include new or alternative nutrient limitations and/or monitoring requirements should the State Water Control Board adopt nutrient standards for the waterbody receiving the discharge or if a future water quality regulation or statute requires new or alternative nutrient control.

2. Total Maximum Daily Load (TMDL) Reopener

This permit shall be modified or, alternatively, revoked and reissued if any approved wasteload allocation procedure, pursuant to Section 303(d) of the Clean Water Act, imposes wasteload allocations, limits or conditions on the facility that are not consistent with the permit requirements.

3. Licensed Operator Requirement

The permittee shall employ or contract at least one Class I licensed wastewater works operator for this facility. The license shall be issued in accordance with Title 54.1 of the Code of Virginia and the regulations of the State Water Control Board for Waterworks and Wastewater Works Operators. The permittee shall notify the Tidewater Regional Office in writing whenever he is not complying, or has grounds for anticipating he will not comply with this requirement. The notification shall include a statement of reasons and a prompt schedule for achieving compliance.

4. O & M Manual Requirements

The permittee shall maintain a current Operations and Maintenance (O&M) Manual for the treatment works that is in accordance with Virginia Pollutant Discharge Elimination System Regulations, 9VAC25-31.

The O&M Manual and subsequent revisions shall include the manual effective date and meet Part II.K.2 and Part II.K.4 Signatory Requirements of the permit. Any changes in the practices and procedures followed by the permittee shall be documented in the O&M Manual within 90 days of the effective date of the changes. The permittee shall operate the treatment works in accordance with the O&M Manual and shall make the O&M manual available to Department personnel for review during facility inspections. Within 30 days of a request by DEQ, the current O&M Manual shall be submitted to the DEQ Regional Office for review and approval.

The O&M manual shall detail the practices and procedures which will be followed to ensure compliance with the requirements of

this permit. This manual shall include, but not necessarily be limited to, the following items, as appropriate:

a. Permitted outfall locations and techniques to be employed in the collection, preservation, and analysis of effluent, storm water and sludge samples;
b. Procedures for measuring and recording the duration and volume of treated wastewater discharged;
c. Discussion of Best Management Practices, if applicable;
d. Procedures for handling, storing, and disposing of all wastes, fluids, and pollutants characterized in Part I.B.8 that will prevent these materials from reaching state waters. List type and quantity of wastes, fluids, and pollutants (e.g. chemicals) stored at this facility;
e. Discussion of treatment works design, treatment works operation, routine preventative maintenance of units within the treatment works, critical spare parts inventory and record keeping;
f. Plan for the management and/or disposal of waste solids and residues;
g. Hours of operation and staffing requirements for the plant to ensure effective operation of the treatment works and maintain permit compliance;
h. List of facility, local and state emergency contacts; and,
i. Procedures for reporting and responding to any spills/overflows/treatment works upsets.

5. Notification Levels

The permittee shall notify the Department as soon as they know or have reason to believe:

a. That any activity has occurred or will occur which would result in the discharge, on a routine or frequent basis, of any toxic pollutant which is not limited in this permit, if that discharge will exceed the highest of the following notification levels:

(1) One hundred micrograms per liter (100 ug/l);
(2) Two hundred micrograms per liter (200 ug/l) for acrolein and acrylonitrile; five hundred micrograms per liter (500 ug/l) for 2,4-dinitrophenol and for 2-methyl-4,6-dinitrophenol; and one milligram per liter (1 mg/l) for antimony;
(3) Five (5) times the maximum concentration value reported for that pollutant in the permit application; or
(4) The level established by the State Water Control Board.

b. That any activity has occurred or will occur which would result in any discharge, on a non-routine or infrequent basis, of a toxic pollutant which is not limited in this

permit, if that discharge will exceed the highest of the following notification levels:

(1) Five hundred micrograms per liter (500 ug/l);
(2) One milligram per liter (1 mg/l) for antimony;
(3) Ten (10) times the maximum concentration value reported for that pollutant in the permit application.
(4) The level established by the State Water Control Board.

6. Quantification Levels Under Part I.A.

a. The maximum quantification levels (QL) shall be as follows:

Effluent Characteristic	Quantification Level
Ammonia-N	0.2 mg/l
Chloroform	10 ug/l
2,3,7,8-TCDD	10 pg/l
2,3,7,8-TCDF	10 pg/l
Trichlorosyringol	2.5 ug/l
3,4,5-Trichlorocatechol	5.0 ug/l
3,4,6-Trichlorocatechol	5.0 ug/l
3,4,5-Trichloroguaiacol	2.5 ug/l
3,4,6-Trichloroguaiacol	2.5 ug/l
4,5,6-Trichloroguaiacol	2.5 ug/l
2,4,5-Trichlorophenol	2.5 ug/l
2,4,6-Trichlorophenol	2.5 ug/l
Tetrachlorocatechol	5.0 ug/l
Tetrachloroguaiacol	5.0 ug/l
2,3,4,6-Tetrachlorophenol	2.5 ug/l
Pentachlorophenol	5.0 ug/l
AOX	20 ug/l
COD	10 mg/l
BOD	2 mg/l
TSS	1.0 mg/l

b. The permittee may use any approved method which has a QL equal to or lower than the (QL) listed in 6.a above. The QL is defined as the lowest concentration used to calibrate a measurement system in accordance with the procedures published for the method.

7. Compliance Reporting Under Part I.A.

a. Monthly Average -- Compliance with the monthly average limitations and/or reporting requirements for the parameters listed in Part I.B.6.a shall be determined as follows: All data below the quantification level (QL) listed in Part I.B.6.a above shall be treated as zero. All data equal to or above the QL listed in Part I.B.6.a above shall be treated as it is reported. An arithmetic

average shall be calculated using all reported data, including the defined zeros, for the month. This arithmetic average shall be reported on the DMR as calculated. If all data are below the QL, then the average shall be reported as <QL.

b. Daily Maximum -- Compliance with the daily maximum limitations and/or reporting requirements for the parameters listed in Part I.B.6.a. shall be determined as follows: All data below the quantification level (QL) listed in Part I.B.6.a. above shall be treated as zero. All data equal to or above the QL shall be treated as reported. An arithmetic average of the values shall be calculated using all reported data, including the defined zeros, collected for each day during the reporting month. The maximum value of these daily averages thus determined shall be reported on the DMR as the Daily Maximum. If all data are below the QL, then the average shall be reported as <QL.

c. Any single datum required shall be reported as "<QL" if it is less than the QL listed in Part I.B.6.a. above. Otherwise, the numerical value shall be reported.

d. Where possible, all limit values on the Part I.A. limits page(s) are expressed in two significant figures. As a result, single, trailing zeros occurring after any single digit are significant. Effluent limits of 10 or greater are rounded to two significant whole numbers, with the exception that loading limits are expressed as whole numbers.

e. The permittee shall report at least the same number of significant figures as the permit limit for a given parameter. Regardless of the rounding convention used (i.e., 5 always rounding up or to the nearest even number) by the permittee, the permittee shall use the convention consistently, and shall ensure that consulting laboratories employed by the permittee use the same convention.

8. Materials Handling and Storage

Any and all product, materials, industrial wastes, and/or other wastes resulting from the purchase, sale, mining, extraction, transport, preparation and/or storage of raw or intermediate materials, final product, by-product or wastes, shall be handled, disposed of and/or stored in such a manner so as not to permit a discharge of such product, materials, industrial wastes and/or other wastes to State waters, except as expressly authorized.

9. Effluent Monitoring Frequencies

Should the facility permitted herein be issued a Warning Letter, a Notice of Violation, or be the subject of an active enforcement action for any of the parameters listed below for any outfall at the facility, the following effluent monitoring frequencies shall become effective starting with the next full month following notification and remain in effect until the permit's expiration date.

Effluent Parameter	Frequency
pH	1/Day
BOD5	3D/week
TSS	3D/week
AOX	1/Week

No other effluent limitations or monitoring requirements are affected by this special condition.

10. Groundwater Monitoring Program

The permittee shall continue sampling and reporting in accordance with the ground water monitoring plan and subsequent revisions previously approved. The purpose of this plan is to determine if the system integrity is being maintained and to indicate if activities at the site are resulting in violations of the State Water Control Board's Ground Water Standards. The approved plan and associated revisions is an enforceable part of the permit. Any changes to the plan must be submitted for approval to the DEQ Tidewater Regional Office.

If monitoring results indicate that any unit has contaminated the ground water, the permittee shall submit a corrective action plan within 60 days of being notified by the regional office. The plan shall set forth the steps to be taken by the permittee to ensure that the contamination source is eliminated or that the contaminant plume is contained on the permittee's property. In addition, based on the extent of contamination, a risk analysis may be required. Once approved, this plan and/or analysis shall become an enforceable part of this permit.

The permittee shall submit an annual report presenting the results of the groundwater monitoring program. The report shall include a summary of the analytical data, map of water level elevations, a comparison of analytical data to the groundwater comparison values, and a conclusion on the adequacy of the Plan and any changes in the conditions at the ASB based on the data.

Submit First Annual Groundwater Report: Not Later Than March 31, 2016.

11. Sampling Methodology for Outfall 001

For all parameters identified in Part I.A of this permit for which the monitoring frequency is specified as once per season, the monitoring shall include at least one sample taken during the final fourteen (14) days of the discharge season.

12. Use of Trichlorophenol or Pentachlorophenol as Biocides

The use of pentachlorophenol or any isomer of trichlorophenol as a biocide is prohibited at all times.

13. Discharge Flow Management for Outfall 001

a. Discharge from Outfall 001 is allowed only during the months of November, December, January, February and March; except as authorized in Part I.B.13.c. below.

b. The discharge rate from Outfall 001 during the discharge season of November, December, January, February and March shall be evaluated once each day and adjusted if needed such that the instream waste concentration (IWC) is set at not more than sixty-five percent (65%), based on the adjusted headwater flows of the Blackwater River as determined by real-time stream level at the USGS station number 02049500 (or other properly designed station approved in advance by the Tidewater Regional Office) and International Paper's headwater flow tables located on the Blackwater River near Franklin, VA. If real-time data is not available for reasons outside of the permittee's control, the most recent valid streamflow data or best estimate shall be used. The permittee shall keep detailed records of streamflow and effluent flow data and the basis for any estimates to allow verification of daily IWC and shall make such records available to the Department for review upon request.

c. The permittee may discharge from outfall 001 during the **months of September and October** (out-of-season discharge), on a case-by-case basis upon approval from the DEQ Regional Office, **subject to the requirements below.**

1. Requirements for requesting such an out-of-season discharge shall be:

a. The discharge rate shall be adjusted so that the IWC during each discharge day shall be no more than 45%, based on the criteria in Part I.B.13.b. above. The permittee shall demonstrate that this IWC will be met as part of the request for discharge.

b. The permittee shall monitor in-stream D.O. once at each station listed in Part I.B.14. below prior to the out-of-season discharge event and submit the results to the DEQ as part of the request to discharge. The D.O. data and proposed discharge rate shall be reviewed by the permittee and the DEQ and the discharge rate adjusted so that all in-stream D.O. levels downstream of the permittee's outfall are maintained above applicable water quality standards for Virginia and North Carolina during the discharge event.

If in-stream D.O. data indicate that D.O. levels are below water quality standards downstream of the permittee's outfall prior to the out-of-season discharge, the out-of-season discharge shall be managed as to not cause or contribute to any further decrease in the ambient in-stream D.O. levels, nor shall the discharge cause or contribute to other environmental impacts in the receiving stream.

2. Upon approval from DEQ, the permittee may discharge for a period commencing with increased river flows and shall cease discharging prior to river flows returning to historical averages. The permittee shall provide current river flow data and historical river flow data for the period of the proposed discharge as part of the request to discharge.

3. The permittee shall monitor the effluent once per discharge for all parameters listed in Part I.A. for outfall 001 excluding 2,3,7,8-TCDD and 2,3,7,8-TCDF and report the results according to Part I.A. of this permit. If an out-of-season discharge lasts for longer than seven calendar days, all monitoring frequency requirements listed in Part I.A. for outfall 001 shall apply (with the exception of 2,3,7,8-TCDD and 2,3,7,8-TCDF). All other effluent limitations and monitoring requirements listed in Part I.A. for outfall 001 shall be in effect for each out-of-season discharge. The permittee shall submit a Discharge Monitoring Report (DMR) for each out-of-season discharge event.

4. The permittee shall provide supporting documentation in the form of statistical models and/or other evidence to show the out-of-season discharge caused no impacts to the receiving stream. This information shall be submitted with the Discharge Monitoring Report (DMR) for each out-of-season discharge event.

14. In-Stream D.O. Monitoring During the Discharge Season, November-March

a. The permittee shall regulate the discharge so that the dissolved oxygen (D.O.) standards of Virginia and North Carolina are maintained at all times downstream of the permittee's outfall. The permittee shall conduct D.O. monitoring at the stations listed below, weather permitting, as follows:

(1) At a minimum, three times at least 48 hours apart prior to release of effluent from Outfall 001;

(2) Daily from commencement of discharge from Outfall 001 until three consecutive days of in-stream D.O. levels are maintained above 5.5 mg/l at all stations; and

(3) Weekly for the remainder of the discharge season.

River and Station Milepoint		Station Location Description
Blackwater	15.1	Norfolk, Franklin & Danville RR crossing
Blackwater	13.4	Washole Creek intersection
Blackwater	9.1	At South Quay, VA
Blackwater	2.5	At Cobb's Wharf
Nottoway	1.0	One mile above mouth of Chowan
Chowan	51.0	Chowan at Riddick's landing (North Carolina)
Chowan	47.0	Chowan at Gatlington Landing (North Carolina)
Chowan	44.0	Chowan at Chowan Island (Bartonsville, NC)
Chowan	41.0	Chowan just above Meherrin intersection (N.C.)

b. The permittee **shall submit a monthly report** of in-stream D.O. monitoring results with the corresponding monthly Discharge Monitoring Report (DMR) for Outfall 001.

15. Sampling Methodology for Outfall 103

a. For TCDD, TCDF and chlorinated phenolic compounds, a composite sample shall be obtained by combining a minimum of three grab samples of bleach plant effluent representative of the discharge collected within one 24-hour period, resulting in one sample of bleach plant effluent for analysis. All sample collection piping, tubing and lines shall be completely flushed with the process wastewater immediately prior to collection of a sample. If the bleach plant effluent consists of more

than one waste stream, the individual waste streams may be sampled separately and the samples combined to prepare a flow-proportioned composite sample for analysis or, if samples are not combined, the results shall be algebraically combined on a flow-proportional basis and reported as one result.

b. For chloroform, a minimum of three separate grab samples of bleach plant effluent representative of the discharge shall be collected within one 24-hour period. All sample collection piping, tubing and lines shall be completely flushed with the process wastewater immediately prior to collection of a sample. Samples shall be cooled to below 35 degrees C before collection in the sample container and prior to any exposure to ambient air. Samples shall be collected in such a manner that splashing and air entrainment do not occur during filling of the sample container. Sample containers must be of a type appropriate for the collection and preservation of volatile organic materials. The analytical laboratory shall composite the samples at the time of analysis by analyzing one-third of each of the three grab samples for each waste stream, or by appropriate fraction if more than three grab samples are collected, and reporting a single result. If the bleach plant effluent consists of more than one waste stream, the individual waste streams must be sampled separately and shall not be combined, and the results shall be algebraically combined on a flow-proportional basis and reported as one result.

c. Where grab samples are specified, the grab samples shall be representative of the bleach plant effluent, and shall meet all requirements in 15.a. and 15.b. above, with the exception of the method of compositing the sample.

d. "Bleach plant effluent" is defined as the total discharge of process wastewaters from all process equipment used for bleaching in each physical bleach line, beginning with the first application of bleaching agent (including chlorine dioxide), each subsequent extraction stage, and each subsequent stage where bleaching agents are applied to the pulp. Wastewater from process equipment used for delignification prior to the application of bleaching agents is not part of the bleach plant effluent.

16. Measurement and Reporting of Kappa Number for Outfall 103

a. Monthly Average Kappa Number shall be determined by calculating the arithmetic mean of all K Number measurements made during the month according to I.B.16.c and multiplying the result by 1.33.

b. Kappa Annual Average-Softwood for F bleach line, for each monthly monitoring period shall be rolling averages calculated as the arithmetic mean of the twelve monthly average Kappa Number values for the current monitoring period and the preceding eleven corresponding monitoring periods.

c. K Number shall be determined for the unbleached pulp entering the bleach plant at the first stage of application of bleaching agent (including chlorine dioxide) and shall be measured according to facility procedure PT-1 or non-substantive revisions to this procedure which result in K Number values that do not differ by more than 2.3 percent from those of any previous revision. Revisions to this procedure for the purpose of demonstrating compliance with effluent limitations shall be documented and shall include a statistical analysis of before and after test results. Such documentation shall be retained according to the requirements of Part II.B of this permit.

17. Filtrate Recycling and Certification

a. All pulping process filtrates for F bleach line which are generated prior to the first stage of application of bleaching agent shall be recycled to the facility's chemical recovery system.

b. The permittee shall provide written notification to the Tidewater Regional Office of compliance with I.B.17.a **no later than January 31 each year.** The notification shall be signed in accordance with Part II.K.

C. BEST MANAGEMENT PRACTICES (BMPS) FOR SPENT PULPING LIQUOR, SOAP AND TURPENTINE MANAGEMENT, SPILL PREVENTION, AND CONTROL

1. Specialized definitions.

a. Action Level: A daily pollutant loading that when exceeded triggers investigative or corrective action.

b. Equipment Items: Any process vessel, storage tank, pumping system, evaporator, heat exchanger, recovery furnace or boiler, pipeline, valve, fitting, or other device that contains, processes, transports, or comes into contact with spent pulping liquor, soap, or turpentine.

c. Immediate Process Area: The location at the mill where pulping, screening, knotting, pulp washing, pulping liquor concentration, pulping liquor processing, and chemical recovery facilities are located, including spent pulping liquor storage and spill control tanks wherever located at the mill.

d. Intentional Diversion: The planned removal of spent pulping liquor, soap, or turpentine from equipment items in spent pulping liquor, soap, or turpentine service by the mill for any purpose including, but not limited to, maintenance, grade changes, or process shutdowns.

e. Senior Technical Manager: The person designated by the permittee to review the BMP Plan. This person shall be the chief engineer at the mill, the manager of pulping and chemical recovery operations, or other such responsible person who has knowledge of pulping and chemical recovery operations.

f. Soap: The product of reaction between the alkali in kraft pulping liquor and fatty acid portions of the wood, which precipitate out when water is evaporated from the spent pulping liquor.

g. Spent Pulping Liquor: Black liquor that is used, generated, stored, or processed at any point in the pulping and chemical recovery processes.

h. Turpentine: A mixture of terpenes, principally pinene, obtained by the steam distillation of pine gum recovered from the condensation of digester relief gases from the cooking of softwoods by the kraft pulping process. Sometimes referred to as sulfate turpentine.

2. Requirement to Implement Best Management Practices.

The Best Management Practices (BMPs) specified in Part I.C.2.a. through j. must be current and up-to-date according to best engineering practices and must be implemented in a manner that takes into account the specific circumstances at this mill. The BMPs are as follows:

a. The permittee must return spilled or diverted spent pulping liquors, soap, and turpentine to the process to the maximum extent practicable as determined by the mill, recover such materials outside the process, or release spilled or diverted material at a rate that does not disrupt the receiving wastewater treatment system.

b. The permittee must establish a program to identify and repair leaking equipment items. This program must include: (i) Regular visual inspections of process areas with equipment items in spent pulping liquor, soap, and turpentine service; (ii) Immediate repair of leaking equipment items. Leaking equipment items that cannot be repaired during normal operations must be identified, temporary means for mitigating the leaks provided, and the leaking equipment items repaired during the next maintenance outage; (iii) Identification of conditions under which production will be curtailed or halted to repair leaking equipment items or to prevent pulping liquor, soap, and turpentine leaks and spills; and (iv) A means for tracking repairs over time to identify those equipment items where upgrade or replacement may be warranted based on the frequency and severity of leaks, spills, or failures.

c. The permittee must operate continuous, automatic monitoring systems that are determined necessary by the mill to detect and control leaks, spills, and intentional diversions of spent pulping liquor, soap, and turpentine. These monitoring systems should be integrated with the mill process control system and may include high level monitors and alarms on storage tanks; process area conductivity or pH monitors and alarms; and process area sewer, process wastewater, and wastewater treatment plant conductivity or pH monitors and alarms.

d. The permittee must establish/maintain a program of initial and refresher training of operators, maintenance personnel and other technical and supervisory personnel who have responsibility for operating, maintaining, or supervising the operation and maintenance of equipment items in spent pulping liquor, soap, and turpentine service. The refresher training must be conducted at least annually. The training program must be documented.

e. The permittee must prepare a report that evaluates each spill or intentional diversion of spent pulping liquor, soap, or turpentine that is not contained at the immediate process area. The report must describe the equipment items involved, the circumstances leading to the incident, the effectiveness of the corrective actions taken to contain and recover the spill or intentional diversion, and plans to develop changes to equipment and operating and maintenance practices as necessary to prevent recurrence. Discussion of the reports must be included as part of the annual refresher training.

f. The permittee must establish/maintain a program to review any planned modifications to the pulping and chemical recovery facilities and any construction activities in the pulping and chemical recovery areas before these activities commence. The purpose of such review is to prevent leaks and spills of spent pulping liquor, soap, and turpentine during the planned modifications, and to ensure that construction and supervisory personnel are aware of possible liquor diversions and of the requirement to prevent leaks and spills of spent pulping liquors, soap, and turpentine during construction.

g. The permittee must install and maintain secondary containment (i.e., containment constructed of materials impervious to pulping liquors) for spent pulping liquor bulk storage tanks equivalent to the volume of the largest tank plus sufficient freeboard for precipitation. An annual tank integrity testing program, if coupled with other containment or diversion structures, may be substituted for secondary containment for spent pulping liquor bulk storage tanks.

h. The permittee must install and maintain secondary containment for turpentine bulk storage tanks.

i. The permittee must install and maintain curbing, diking or other means of isolating soap and turpentine processing and loading areas from the wastewater treatment facilities.

j. The permittee must conduct wastewater monitoring to detect leaks and spills, to track the effectiveness of the BMPs, and to detect trends in spent pulping liquor losses. Such monitoring must be performed in accordance with Part I.C.8.

3. Requirement to update and maintain a BMP Plan.

a. The permittee must update, maintain and implement a BMP Plan that is based on a detailed engineering review as

described in Part I.C.3.b. and c., and that specifies the procedures and the practices required to meet the requirements of Part I.C.2., what construction the permittee determines is necessary to meet those requirements including a schedule for such construction, and the monitoring program (including the statistically derived action levels) that will be used to meet the requirements of Part I.C.8. The BMP Plan also must specify the period of time that the permittee determines the action levels established under Part I.C.7. may be exceeded without triggering the responses specified in Part I.C.8.

b. The permittee must conduct a detailed engineering review of the pulping and chemical recovery operation including but not limited to process equipment, storage tanks, pipelines and pumping systems, loading and unloading facilities, and other appurtenant pulping and chemical recovery equipment items in spent pulping liquor, soap, and turpentine service for the purpose of determining the magnitude and routing of potential leaks, spills, and intentional diversions of spent pulping liquors, soap, and turpentine during the following periods of operation: (i) Process start-ups and shut downs; (ii) Maintenance; (iii) Production grade changes; (iv) Storm or other weather events;
(v) Power failures; and (vi) Normal operations.

c. As part of the engineering review, the permittee must determine whether existing spent pulping liquor containment facilities are of adequate capacity for collection and storage of anticipated intentional liquor diversions with sufficient contingency for collection and containment of spills. The engineering review must also consider: (i) The need for continuous, automatic monitoring systems to detect and control leaks and spills of spent pulping liquor, soap, and turpentine; (ii) The need for process wastewater diversion facilities to protect wastewater treatment facilities from adverse effects of spills and diversions of spent pulping liquors, soap, and turpentine; (iii) The potential for contamination of storm water from the immediate process areas; and (iv) The extent to which segregation and/or collection and treatment of contaminated storm water from the immediate process areas is appropriate.

4. Amendment of BMP Plan.

a. The permittee must amend the BMP Plan whenever there is a change in mill design, construction, operation, or maintenance that materially affects the potential for leaks or spills of spent pulping liquor, turpentine, or soap from the immediate process areas.

b. The permittee must complete a review and evaluation of the BMP Plan five years after the first BMP Plan is prepared and, except as provided in Part I.C.4.a., once every five years thereafter. As a result of this review and evaluation, the permittee must amend the BMP Plan within three months of the review if the permittee determines that any new or modified management practices and engineered controls are necessary to reduce significantly the likelihood of spent pulping liquor, soap, and turpentine leaks, spills, or intentional diversions from the immediate process areas, including a schedule for implementation of such practices and controls.

5. Review and certification of BMP Plan.

The BMP Plan, and any amendments thereto, must be reviewed by the Senior Technical Manager at the mill, and approved and signed by the permittee in accordance with Part II.K., certifying that the plan and any amendments thereto have been prepared in accordance with this permit.

6. Record keeping requirements.

a. A complete copy of the current BMP Plan and the records specified in Part I.C.6.b. must be maintained at the mill and made available to the Department for review upon request.

b. The permittee must maintain the following records for three years from the date they are created: (i) Records tracking the repairs performed in accordance with the repair program described in Part I.C.2.b.; (ii) Records of initial and refresher training conducted in accordance with Part I.C.2.d.; (iii) Reports prepared in accordance with Part I.C.2.e.; and (iv) Records of monitoring required by Parts I.C.2.j. and I.C.8.

7. Establishment of wastewater treatment system influent action levels.

a. The permittee must conduct a monitoring program, described in Part I.C.7.b., for the purpose of defining wastewater treatment system action levels, described in Part I.C.7.c., that will trigger requirements to initiate investigations on BMP effectiveness and to take corrective action.

b. The permittee must employ the following procedures in order to develop the action levels required by Part I.C.7.: (i) Monitoring parameters. The permittee must collect 24-hour composite samples and analyze the samples for a measure of organic content (e.g., Chemical

Oxygen Demand (COD) or Total Organic Carbon (TOC)). Alternatively, the permittee may use a measure related to spent pulping liquor losses measured continuously and averaged over 24 hours (e.g., specific conductivity or color); (ii) Monitoring locations. Monitoring must be conducted at the point influent enters the wastewater treatment system. For the purposes of this requirement, the permittee may select alternate monitoring points in order to isolate possible sources of spent pulping liquor, soap, or turpentine from other possible sources of organic wastewaters that are tributary to the wastewater treatment facilities (e.g., bleach plants, paper machines and secondary fiber operations).

c. If not previously completed the permittee must complete an initial six-month monitoring program using the procedures specified in Part I.C.7.b. and must establish initial action levels based on the results of that program. The action levels must be determined by a statistical analysis of six months of daily measurements. The action levels must consist of a lower action level which if exceeded will trigger investigation requirements and an upper action level which if exceeded will trigger corrective action requirements, as described in Part I.C.8.

d. If not previously completed the permittee must complete a second six-month monitoring program using the procedures specified in Part I.C.7.b. and must establish revised action levels based on the results of that program. The initial action levels shall remain in effect until replaced by revised action levels.

e. Action levels developed under this paragraph must be revised using six months of monitoring data after any change in mill design, construction, operation, or maintenance that materially affects the potential for leaks or spills of spent pulping liquor, soap, or turpentine from the immediate process areas.

8. Monitoring, corrective action, and reporting requirements.

a. The permittee must conduct daily monitoring of the influent to the wastewater treatment system in accordance with the procedures described in Part I.C.7.b. for the purpose of detecting leaks and spills, tracking the effectiveness of the BMPs, and detecting trends in spent pulping liquor losses.

b. Whenever monitoring results exceed the lower action level for the period of time specified in the BMP Plan, the permittee must conduct an investigation to determine the cause of such exceedance. Whenever monitoring results exceed the upper action level for the period of

time specified in the BMP Plan, the permittee must complete corrective action to bring the wastewater treatment system influent mass loading below the lower action level as soon as practicable.

c. Although exceedances of the action levels will not constitute permit violations, failure to take the actions required by Part I.C.8.b. will be a permit violation.

d. The permittee must report to the Department annually by May 10th the results of the daily monitoring conducted pursuant to Part I.C.8.a. Such reports must include a summary of the monitoring results, the number and dates of exceedances of the applicable action levels, and brief descriptions of any corrective actions taken to respond to such exceedances.

9. Compliance deadlines.

a. Implement all BMPs specified in Part I.C.2. that do not require the construction of containment or diversion structures or the installation of monitoring and alarm systems not later the effective date of the permit.

b. Establish initial action levels required by Part I.C.7.c. not later than the effective date of the permit.

d. Commence operation of any new or upgraded continuous, automatic monitoring systems that the permittee determines to be necessary under Part I.C.2.c. other than those associated with construction of containment or diversion structures not later than the effective date of the permit.

d. Complete construction and commence operation of any spent pulping liquor, collection, containment, diversion, or other facilities, including any associated continuous monitoring systems, necessary to fully implement BMPs specified in Part I.C.2. not later than the effective date of the permit.

e. Establish revised action levels required by Part I.C.7.d. as soon as possible after fully implementing the BMPs specified in Part I.C.2., but not later than the effective date of the permit.

D. Whole Effluent Toxicity Monitoring

1. Biological Monitoring - Outfall 001

a. The permittee shall conduct two acute and two chronic toxicity tests each discharge season. The acute test samples shall be collected using a grab sample of final effluent from outfall 001. The chronic test samples shall be collected using at least three grab samples of final effluent from outfall 001 during the chronic test. The second acute test shall be conducted during the second chronic test. The last grab sample for the second chronic test shall be collected within 14 days of the end of the discharge season. The acute tests shall be 48-hour static tests using Ceriodaphnia dubia, conducted in such a manner and at sufficient dilutions for calculation of a valid LC_{50}. The chronic tests shall be static renewal tests using Ceriodaphnia dubia. The C. dubia test shall be a 3-brood survival and reproduction test. These chronic tests shall be conducted in such a manner and at sufficient dilutions to determine the NOEC for survival and reproduction. **The results of all analyses shall be reported. Test results for each test shall be submitted by the 10th of the month after the month the test results were received.**

Test procedures and reporting shall be in accordance with the WET testing methods cited in 40 CFR 136.3

b. The permittee may provide additional samples to address data variability. These data shall be reported and may be included in the evaluation of the effluent toxicity. Test procedures and reporting shall be in accordance with 1.a above.

c. The following criteria shall be used in evaluating the toxicity test data generated in 1.a above:

(1) Acute LC_{50} greater than or equal to 100% effluent;

(2) Chronic NOEC greater than or equal to the IWC of 75%

d. If, in the testing according to I.D.1, any toxicity tests are invalidated, the tests shall be repeated within the testing period that the original test was taken, or if already past that period, within fourteen (14) days of notification. If there is no discharge during this period, a sample must be taken during the first allowable discharge.

e. All applicable data will be evaluated for reasonable potential at the conclusion of the test period. The data may be evaluated sooner if requested by the

permittee, or if toxicity has been noted. Should evaluation of the data indicate that a limit is needed, a WET limit and compliance schedule will be required and the toxicity tests of D.1.a. may be discontinued.

2. Reporting Schedule

Each toxicity test report submitted in accordance with this Toxics Management Program shall identify the specific period represented. The permittee shall report the results and supply **one** complete copy of the toxicity test reports to the Tidewater Regional Office in accordance with the schedule below. A complete report must contain a copy of all laboratory benchsheets, certificates of analysis, and all chains of custody.

(a)	Conduct first set of two acute and two chronic biological tests	By March 31, 2016
(b)	Submit results of all biological tests	By the 10th of the month following the month in which test results were received but no later than May 10, 2016
(c)	Conduct second set of two acute and two chronic biological tests	By March 31, 2017
(d)	Submit results of all biological tests	By the 10th of the month following the month in which test results were received but no later than May 10, 2017
(e)	Conduct third set of two acute and two chronic biological tests	By March 31, 2018
(f)	Submit results of all biological tests	By the 10th of the month following the month in which test results were received but no later than May 10, 2018
(g)	Conduct fourth set of two acute and two chronic biological tests	By March 31, 2019
(h)	Submit results of all biological tests	By the 10th of the month following the month in which test results were received but no later than May 10, 2019
(i)	Conduct fifth set of two acute and two chronic biological tests	By March 31, 2020
(j)	Submit results of all biological tests	By the 10th of the month following the month in which test results were received but no later than May 10, 2020

E. STORM WATER MANAGEMENT CONDITIONS

1. Recording of Results

For each storm event monitored under Part I.A. of this permit, the permittee shall record and retain on site with the SWP3 the following information:

(1) The date and duration (in hours) of the storm event(s) sampled;

(2) The rainfall measurements or estimates (in inches) of the storm event which generated the sampled discharge; and

(3) The duration between the storm event sampled and the end of the previous measurable (greater than 0.1 inch rainfall) storm event.

In addition, the permittee shall maintain a monthly log documenting the amount of rainfall received at this facility on a daily basis. This information shall be retained on site with the SWP3.

2. Sampling Waiver

When a permittee is unable to collect storm water samples required in Part I.A. or other applicable sections of this permit within a specified sampling period due to adverse climatic conditions, the permittee shall collect a substitute sample from a separate qualifying event in the next period and submit these data along with the data for the routine sample in that period. Adverse weather conditions that may prohibit the collection of samples include weather conditions that create dangerous conditions for personnel (such as local flooding, high winds, hurricane, tornadoes, electrical storms, etc.) or otherwise make the collection of a sample impracticable (drought, extended frozen conditions, etc.).

3. Representative Outfalls-Substantially Identical Discharges

If the facility has two or more outfalls that discharge substantially identical effluents, based on similarities of the industrial activities, significant materials, size of drainage areas, and stormwater management practices occurring within the drainage areas of the outfalls, the permittee may conduct monitoring on the effluent of just one of the outfalls and report that the observations also apply to the substantially identical outfall(s). **The substantially identical outfall monitoring provisions apply to quarterly visual monitoring, benchmark monitoring and impaired waters monitoring.** The substantially identical outfall monitoring

provisions are not available for numeric effluent limits monitoring. The permittee shall include the following information in the SWPPP:

(1) The locations of the outfalls;
(2) Why the outfalls are expected to discharge substantially identical effluents, including evaluation of monitoring data, where available; and,
(3) Estimates of the size of the drainage area (in square feet) for each of the outfalls.

4. Quarterly Visual Examination of Stormwater Quality

Unless another more frequent schedule is established elsewhere within this permit, the permittee shall perform and document a visual examination of a storm water discharge associated with industrial activity from each outfall, except discharges exempted below. The examination(s) must be made at least once in each of the following three-month periods: January through March, April through June, July through September, and October through December.

The visual examination shall be made during normal working hours. If no storm event resulted in runoff from the facility during a monitoring quarter, the permittee is excused from visual monitoring for that quarter provided that documentation is included with the monitoring records indicating that no runoff occurred. The documentation must be signed and certified in accordance with **Part II K** of this permit.

(1) Visual Examinations shall be made of samples collected in accordance with **Part I.B.11**. The examination shall document observations of color, odor, clarity, floating solids, settled solids, suspended solids, foam, oil sheen, and other obvious indicators of storm water pollution. The examination must be conducted in a well lit area. No analytical tests are required to be performed on the samples.

(2) Visual examination reports must be maintained onsite with the SWPPP. The report shall include the outfall location, the examination date and time, examination personnel, the nature of the discharge (i.e., runoff or snow melt), visual quality of the storm water discharge (including observations of color, odor, clarity, floating solids, settled solids, suspended solids, foam, oil sheen, and other obvious indicators of storm water pollution), and probable sources of any observed storm water contamination.

5. Releases of Hazardous Substances or Oil in Excess of Reportable Quantities

The discharge of hazardous substances or oil in the storm water discharge(s) from a facility shall be prevented or minimized in accordance with the applicable SWPPP for the facility. This permit does not authorize the discharge of hazardous substances or oil resulting from an onsite spill. This permit does not relieve the permittee of the reporting requirements of 40 CFR 110, 40 CFR 117 and 40 CFR 302 or § 62.1-44.34:19 of the Code of Virginia. Where a release containing a hazardous substance or oil in an amount equal to or in excess of a reportable quantity established under either 40 CFR 110, 40 CFR 117 or 40 CFR 302 occurs during a 24-hour period:

(1) The permittee is required to notify the Department in accordance with the requirements of **Part II G** as soon as he or she has knowledge of the discharge;

(2) Where a release enters a municipal separate storm sewer system (MS4), the permittee shall also notify the owner or the MS4; and

(3) The SWPPP required by this permit must be reviewed to identify measures to prevent the reoccurrence of such releases and to respond to such releases, and the plan must be modified where appropriate.

6. Allowable Non-Storm Water Discharges

(1) The following non-storm water discharges are authorized by this permit.

(a) Discharges from fire fighting activities;

(b) Fire hydrant flushings;

(c) Potable water including water line flushings;

(d) Uncontaminated condensate from air conditioners, coolers, and other compressors and from the outside storage of refrigerated gases or liquids;

(e) Irrigation drainage;

(f) Landscape watering provided all pesticides, herbicides, and fertilizers have been applied in accordance with the approved labeling;

(g) Pavement wash waters where no detergents are used and no spills or leaks of toxic or hazardous materials have occurred (unless all spilled material has been removed);

(h) Routine external building wash down which does not use detergents;

(i) Uncontaminated ground water or spring water;

(j) Foundation or footing drains where flows are not contaminated with process materials such as solvents;

(k) Incidental windblown mist from cooling towers that collects on rooftops or adjacent portions of the facility, but NOT intentional discharges from the cooling tower (e.g., "piped" cooling tower blowdown or drains).

(2) All other non-stormwater discharges are not authorized and shall either be eliminated or covered under a separate VPDES permit.

7. Water Quality Protection

The discharges authorized by this permit shall be controlled as necessary to meet applicable water quality standards. DEQ expects that compliance with the conditions in this permit will control discharges as necessary to meet applicable water quality standards.

8. Stormwater Pollution Prevention Plan (SWPPP)

A stormwater pollution prevention plan (SWPPP) for the facility was required to be developed and implemented under the previous permit. The existing stormwater pollution prevention plan shall be reviewed and modified, as appropriate, to conform to the requirements of this section.

Permittees shall implement the provisions of the stormwater pollution prevention plan as a condition of this permit. The stormwater pollution prevention plan requirements of this permit may be fulfilled, in part, by incorporating by reference other plans or documents such as a spill prevention control and countermeasure (SPCC) plan developed for the facility under Section 311 of the Clean Water Act, or best management practices (BMP) programs otherwise required for the facility, provided that the incorporated plan meets or exceeds the plan requirements of **Part I.E.8.b.** All plans incorporated by reference into the stormwater pollution prevention plan become enforceable under this permit. If a plan incorporated by reference does not contain all of the required elements of the SWPPP of **Part I.E.8.b** the permittee shall develop the missing SWPPP elements and include them in the required plan.

a. Deadlines for SWPPP Preparation and Compliance

(1) The facility shall update and implement any revisions to the SWPPP as expeditiously as practicable, but not later than 90 days from the effective date of the permit.

(2) Measures That Require Construction. In cases where construction is necessary to implement measures required by the plan, the plan shall contain a schedule that provides compliance with the plan as expeditiously as practicable, but no later than 3 years after the effective date of this permit. Where a construction compliance schedule is included in the plan, the schedule shall include appropriate nonstructural and/or temporary controls to be implemented in the affected portion(s) of the facility prior to completion of the permanent control measure.

b. Contents of the SWPPP

The contents of the SWPPP shall comply with the requirements of this permit. The SWPPP shall include, at a minimum, the following items.

(1) Pollution Prevention Team

The plan shall identify the staff individuals by name or title who comprise the facility's stormwater pollution prevention team. The pollution prevention team is responsible for assisting the facility or plant manager in developing, implementing, maintaining, revising, and ensuring compliance with the facility's SWPPP. Specific responsibilities of each staff individual on the team shall be identified and listed.

(2) Site Description

The SWPPP shall include the following:

(a) Activities at the Facility

A description of the nature of industrial activities at the facility.

(b) General Location Map

A general location map (e.g., USGS quadrangle or other map) with enough detail to identify the location of the facility and the receiving waters within one mile of the facility.

(c) Site Map

A site map identifying the following:

(i) The boundaries of the property and the size of the property (in acres);

(ii) The location and extent of significant structures and impervious surfaces (roofs, paved areas and other impervious areas);

(iii) Locations of all stormwater conveyances including ditches, pipes, swales, and inlets, and the directions of stormwater flow (use arrows to show which ways stormwater will flow);

(iv) Locations of all existing structural and source control measures, including BMPs;

(v) Locations of all surface water bodies, including wetlands;

(vi) Locations of potential pollutant sources identified under **Part I.E.8.b(3)**;

(vii) Locations where significant spills or leaks identified under **Part I.E.8.b(4)** have occurred;

(viii) Locations of the following activities where such activities are exposed to precipitation: fueling stations; vehicle and equipment maintenance and cleaning areas; loading and unloading areas; locations used for the treatment, storage or disposal of wastes; liquid storage tanks; processing and storage areas; access roads, rail cars and tracks; transfer areas for substances in bulk; and machinery;

(ix) Locations of stormwater outfalls and an approximate outline of the area draining to each outfall, and location of municipal storm sewer systems, if the stormwater from the facility discharges to them;

(x) Location and description of all non-stormwater discharges;

(xi) Location of any storage piles containing salt used for deicing or other commercial or industrial purposes;

(xii) Locations and sources of run-on to the site from adjacent property where the run-on contains significant quantities of pollutants; and

(xiii) Locations of all stormwater monitoring points.

(d) Receiving Waters and Wetlands

The name of all surface waters receiving discharges from the site, including intermittent streams, dry sloughs, and arroyos. Provide a description of wetland

sites that may receive discharges from the facility. If the facility discharges through a municipal separate storm sewer system (MS4), identify the MS4 operator, and the receiving water to which the MS4 discharges.

(3) Summary of Potential Pollutant Sources

The plan shall identify each separate area at the facility where industrial materials or activities are exposed to stormwater. Industrial materials or activities include, but are not limited to: material handling equipment or activities, industrial machinery, raw materials, industrial production and processes, intermediate products, byproducts, final products, and waste products. Material handling activities include, but are not limited to: the storage, loading and unloading, transportation, disposal, or conveyance of any raw material, intermediate product, final product or waste product. For each separate area identified, the description shall include:

(a) Activities in the Area

A list of the industrial activities exposed to stormwater (e.g., material storage, equipment fueling and cleaning, cutting steel beams);

(b) Pollutants

A list of the pollutant(s) or pollutant constituents (e.g., crankcase oil, zinc, sulfuric acid, cleaning solvents, etc.) associated with each industrial activity. The pollutant list shall include all significant materials handled, treated, stored or disposed that have been exposed to stormwater in the three years prior to the date this SWPPP was prepared or amended. The list shall include any hazardous substances or oil at the facility.

(4) Spills and Leaks

The SWPPP shall clearly identify areas where potential spills and leaks that can contribute pollutants to stormwater discharges can occur and their corresponding outfalls. The plan shall include a list of significant spills and leaks of toxic or hazardous pollutants that actually occurred at exposed areas, or that drained to a stormwater conveyance during the three-year period prior to the date this SWPPP was prepared or amended. The list shall be updated if significant

spills or leaks occur in exposed areas of the facility during the term of the permit. Significant spills and leaks include, but are not limited to, releases of oil or hazardous substances in excess of reportable quantities.

(5) Sampling Data

The plan shall include a summary of existing stormwater discharge sampling data taken at the facility. The summary shall include, at a minimum, any data collected during the previous permit term.

(6) Stormwater Controls

(a) Control measures shall be implemented for all the areas identified in **Part I.E.8.b(3)** to prevent or control pollutants in stormwater discharges from the facility. Regulated stormwater discharges from the facility include stormwater run-on that commingles with stormwater discharges associated with industrial activity at the facility. The SWPPP shall describe the type, location and implementation of all control measures for each area where industrial materials or activities are exposed to stormwater. Selection of control measures shall take into consideration:

(i) That preventing stormwater from coming into contact with polluting materials is generally more effective, and less costly, than trying to remove pollutants from stormwater;

(ii) Control measures generally shall be used in combination with each other for most effective water quality protection;

(iii) Assessing the type and quantity of pollutants, including their potential to impact receiving water quality, is critical to designing effective control measures;

(iv) That minimizing impervious areas at the facility can reduce runoff and improve groundwater recharge and stream base flows in local streams (however, care must be taken to avoid ground water contamination);

(v) Flow attenuation by use of open vegetated swales and natural depressions can reduce in-stream impacts of erosive flows;

(vi) Conservation or restoration of riparian buffers will help protect streams from

stormwater runoff and improve water quality; and

(vii) Treatment interceptors (e.g., swirl separators and sand filters) may be appropriate in some instances to minimize the discharge of pollutants.

(b) Nonnumeric technology-based effluent limits. The permittee shall implement the following types of control measures to prevent and control pollutants in the stormwater discharges from the facility, unless it can be demonstrated and documented that such controls are not relevant to the discharges (e.g., there are no storage piles containing salt).

(i) Good Housekeeping. The permittee shall keep clean all exposed areas of the facility that are potential sources of pollutants to stormwater discharges. Typical problem areas include areas around trash containers, storage areas, loading docks, and vehicle fueling and maintenance areas. The plan shall include a schedule for regular pickup and disposal of waste materials, along with routine inspections for leaks and conditions of drums, tanks and containers.

(ii) Eliminating and Minimizing Exposure. To the extent practicable, manufacturing, processing and material storage areas (including loading and unloading, storage, disposal, cleaning, maintenance, and fueling operations) shall be located inside, or protected by a storm-resistant covering to prevent exposure to rain, snow, snowmelt, and runoff. Note: Eliminating exposure at all industrial areas may make the facility eligible for the "Conditional Exclusion for No Exposure" provision of 9VAC25-31-120 E, thereby eliminating the need to have a permit.

(iii) Preventive Maintenance. The permittee shall have a preventive maintenance program that includes regular inspection, testing, maintenance and repairing of all industrial equipment and systems to avoid situations that could result in leaks, spills and other releases of pollutants in stormwater discharge from the facility. This program is in addition to the specific control measure maintenance required under **Part I.E.8.c.**

(iv) Spill Prevention and Response Procedures. The plan shall describe the procedures that will be followed for

preventing and responding to spills and leaks, including:

(A) Preventive measures, such as barriers between material storage and traffic areas, secondary containment provisions, and procedures for material storage and handling;

(B) Response procedures, including notification of appropriate facility personnel, emergency agencies, and regulatory agencies, and procedures for stopping, containing and cleaning up spills. Measures for cleaning up hazardous material spills or leaks shall be consistent with applicable RCRA regulations at 40 CFR Part 264 and 40 CFR Part 265. Employees who may cause, detect or respond to a spill or leak shall be trained in these procedures and have necessary spill response equipment available. If possible, one of these individuals shall be a member of the Pollution Prevention Team;

(C) Procedures for plainly labeling containers (e.g., "used Oil," " Spent Solvents," "Fertilizers and Pesticides," etc.) that could be susceptible to spillage or leakage to encourage proper handling and facilitate rapid response if spills or leaks occur; and

(D) Contact information for individuals and agencies that must be notified in the event of a spill shall be included in the SWPPP, and in other locations where it will be readily available.

(v) Routine Facility Inspections. Facility personnel who possess the knowledge and skills to assess conditions and activities that could impact stormwater quality at the facility, and who can also evaluate the effectiveness of control measures shall regularly inspect all areas of the facility where industrial materials or activities are exposed to stormwater. These inspections are in addition to, or as part of, the comprehensive site evaluation required under **Part I.E.8.d.** At least one member of the Pollution Prevention Team shall participate in the routine facility inspections.

The inspection frequency shall be specified in the plan based upon a consideration of the level of industrial activity at the facility, but shall be a minimum of quarterly unless more frequent intervals are specified

elsewhere in the permit or written approval is received from the Department for less frequent intervals. At least once each calendar year, the routine facility inspection must be conducted during a period when a stormwater discharge is occurring.

Any deficiencies in the implementation of the SWPPP that are found shall be corrected as soon as practicable, but not later than within 30 days of the inspection, unless permission for a later date is granted in writing by the Director. The results of the inspections shall be documented in the SWPPP, and shall included at a minimum:

(A) The inspection date and time;

(B) The name and signature of the inspector(s);

(C) Weather information and a description of any discharges occurring at the time of the inspection;

(D) Any previously unidentified discharges of pollutants from the site;

(E) Any control measures needing maintenance or repairs;

(F) Any failed control measures that need replacement;

(G) Any incidents of noncompliance observed; and

(H) Any additional control measures needed to comply with the permit requirements.

(vi) Employee Training. The permittee shall implement a stormwater employee training program for the facility. The SWPPP shall include a schedule for all types of necessary training, and shall document all training sessions and the employees who received the training. Training shall be provided for all employees who work in areas where industrial materials or activities are exposed to stormwater, and for employees who are responsible for implementing activities identified in the SWPPP (e.g., inspectors, maintenance personnel, etc.). The training shall cover the components and goals of the SWPPP, and include such topics as spill response, good housekeeping, material management practices, control measure operation and maintenance, etc. The SWPPP

shall include a summary of any training performed.

(vii) Sediment and Erosion Control. The plan shall identify areas at the facility that, due to topography, land disturbance (e.g., construction, landscaping, site grading), or other factors, have a potential for soil erosion. The permittee shall identify and implement structural, vegetative, and stabilization control measures to prevent or control on-site and off-site erosion and sedimentation. Flow velocity dissipation devices shall be placed at discharge locations and along the length of any outfall channel if the flows would otherwise create erosive conditions.

(viii) Management of Runoff. The plan shall describe the stormwater runoff management practices (i.e., permanent structural control measures) for the facility. These types of control measures are typically used to divert, infiltrate, reuse, or otherwise reduce pollutants in stormwater discharges from the site.

Structural control measures may require a separate permit under § 404 of the CWA and the Virginia Water Protection Permit Program Regulation (9 VAC 25-210) before installation begins.

(ix) Dust suppression and vehicle tracking of industrial materials. The permittee shall implement control measures to minimize the generation of dust and off-site tracking of raw, final, or waste materials. Stormwater collected on site may be used for the purposes of dust suppression or for spraying stockpiles. Potable water, well water and uncontaminated reuse water may also be used for this purpose. There shall be no direct discharge to surface waters from dust suppression activities or as a result of spraying stockpiles.

(c) Maintenance

The SWPPP shall include a description of procedures and a regular schedule for preventive maintenance of all control measures, and shall include a description of the back-up practices that are in place should a runoff event occur while a control measure is off-line. The effectiveness of nonstructural control measure shall also be

maintained by appropriate means (e.g., spill response supplies available and personnel trained, etc.).

All control measures identified in the SWPPP shall be maintained in effective operating condition and shall be observed at least annually during active operation (i.e., during a stormwater runoff event) to ensure that they are functioning correctly. Where discharge locations are inaccessible, nearby downstream locations shall be observed. The observations shall be documented in the SWPPP. If site inspections required by **Part I.E.8.b.(6)(b)(v)** or **Part I.E.8.d** identify control measures that are not operating effectively, repairs or maintenance shall be performed before the next anticipated storm event. If maintenance prior to the next anticipated storm event is not possible, maintenance shall be scheduled and accomplished as soon as practicable. In the interim, back-up measures shall be employed and documented in the SWPPP until repairs or maintenance is complete. Documentation shall be kept with the SWPPP of maintenance and repairs of control measures, including the date(s) of regular maintenance, date(s) of discovery of areas in need of repair or replacement, date(s) for repairs, date(s) that the control measure(s) returned to full function, and the justification for any extended maintenance or repair schedules.

(d) Comprehensive Site Compliance Evaluation

The permittee shall conduct comprehensive site compliance evaluations at least once each calendar year. The evaluations shall be done by qualified personnel who possess the knowledge and skills to assess conditions and activities that could impact stormwater quality at the facility, and who can also evaluate the effectiveness of control measures. The personnel conducting the evaluations may be either facility employees or outside personnel hired by the facility.

(1) Scope of the Compliance Evaluation.

Evaluations shall include all areas where industrial materials or activities are exposed to stormwater, as identified in **Part I.E.8.b.(3)** The personnel shall evaluate:

(a) Industrial materials, residue or trash that may have or could come into contact with stormwater;

(b) Leaks or spills from industrial equipment, drums, barrels, tanks or other containers that have occurred within the past three years;

(c) Off-site tracking of industrial or waste materials or sediment where vehicles enter or exit the site;

(d) Tracking or blowing of raw, final, or waste materials from areas of no exposure to exposed areas;

(e) Evidence of, or the potential for, pollutants entering the drainage system;

(f) Evidence of pollutants discharging to surface waters at all facility outfalls, and the condition of and around the outfall, including flow dissipation measures to prevent scouring;

(g) Review of stormwater related training performed, inspections completed, maintenance performed, quarterly visual examinations, and effective operation of control measures, including BMPs;

(h) Results of both visual and any analytical monitoring done during the past year shall be taken into consideration during the evaluation.

(2) Based on the results of the evaluation, the SWPPP shall be modified as necessary (e.g., show additional controls on the map required by **Part I.E.8.b.(2)(c)**; revise the description of controls required by **Part I.E.8.b (6)** to include additional or modified control measures designed to correct problems identified). Revisions to the SWPPP shall be completed within 30 days following the evaluation, unless permission for a later date is granted in writing by the Director. If existing control measures need to be modified or if additional control measures are necessary, implementation shall be completed before the next anticipated storm event, if practicable, but not more than 60 days after completion of the comprehensive site evaluation, unless permission for a later date is granted in writing by the Department;

(3) Compliance Evaluation Report

A report shall be written summarizing the scope of the evaluation, name(s) of personnel making the evaluation, the date of the evaluation, and all observations relating to the implementation of the SWPPP, including elements stipulated in **Part I.E.8.d(1)(a) through (h)** above. Observations shall include such things as: the location(s) of discharges of pollutants from the site; location(s) of previously unidentified sources of pollutants; location(s) of control measures that need to be maintained or repaired; location(s) of failed control measures that need replacement; and location(s) where additional control measures are needed. The report shall identify any incidents of noncompliance that were observed. Where a report does not identify any incidents of noncompliance, the report shall contain a certification that the facility is in compliance with the SWPPP and this permit. The report shall be signed in accordance with **Part II K** and maintained with the SWPPP.

(4) Where compliance evaluation schedules overlap with routine inspections required under **Part I.E.8.b(6)(b)(v)**, the annual compliance evaluation may be used as one of the routine inspections.

(e) Signature and Plan Review

(1) Signature and location

The SWPPP, shall be signed in accordance with **Part II K** *(Signatory Requirements in Conditions Applicable to All VPDES Permits)*, dated, and retained on-site at the facility covered by this permit in accordance with **Part II B.2.** *(Records in Conditions Applicable to All VPDES Permits)*. All other changes to the SWPPP, and other permit compliance documentation, shall be signed and dated by the person preparing the change or documentation.

(2) Availability

The permittee shall retain a copy of the current SWPPP required by this permit at the facility, and it shall be immediately available to the Department, EPA or the operator of an MS4 receiving discharges from the site at the time of an onsite inspection or upon request.

(3) Required Modifications

The permittee shall modify the SWPPP whenever necessary to address any corrective actions. Changes to the SWPPP shall be made in accordance with implementation of the corrective actions and shall be signed and dated in accordance with **Part II K.**

The Director may notify the permittee at any time that the SWPPP, control measures, or other components of the facility's stormwater program do not meet one or more of the requirements of this permit. The notification shall identify specific provisions of the permit that are not being met, and may include required modifications to the stormwater program, additional monitoring requirements, and special reporting requirements. The permittee shall make any required changes to the SWPPP within 60 days of receipt of such notification, unless permission for a later date is granted in writing by the Director, and shall submit a written certification to the Director that the requested changes have been made.

(f) Maintaining an Updated SWPPP.

(1) The permittee shall review and amend the SWPPP as appropriate whenever:

(a) There is construction or a change in design, operation, or maintenance at the facility that has a significant effect on the discharge, or the potential for the discharge, of pollutants from the facility;

(b) Routine inspections or compliance evaluations determine that there are deficiencies in the control measures, including BMPs;

(c) Inspections by local, state, or federal officials determine that modifications to the SWPPP are necessary;

(d) There is a spill, leak or other release at the facility; or

(e) There is an unauthorized discharge from the facility.

(2) SWPPP modifications shall be made within 30 calendar days after discovery, observation

or event requiring a SWPPP modification. Implementation of new or modified control measures (distinct from regular preventive

maintenance of existing control measures described in **Part I.E.8.b.(6)(b)(iii)** shall be initiated before the next storm event if possible, but no later than 60 days after discovery, or as otherwise provided or approved by the Director. The amount of time taken to modify a control measure or implement additional control measures shall be documented in the SWPPP.

(3) If the SWPPP modification is based on a release or unauthorized discharge, include a description and date of the release, the circumstances leading to the release, actions taken in response to the release, and measures to prevent the recurrence of such releases. Unauthorized releases and discharges are subject to the reporting requirements of **Part II G** of this permit.

CONDITIONS APPLICABLE TO ALL VPDES PERMITS

A. Monitoring.

1. Samples and measurements taken as required by this permit shall be representative of the monitored activity.

2. Monitoring shall be conducted according to procedures approved under Title 40 Code of Federal Regulations Part 136 or alternative methods approved by the U.S. Environmental Protection Agency, unless other procedures have been specified in this permit.

3. The permittee shall periodically calibrate and perform maintenance procedures on all monitoring and analytical instrumentation at intervals that will insure accuracy of measurements.

4. Samples taken as required by this permit shall be analyzed in accordance with 1VAC30-45, Certification for Noncommercial Environmental Laboratories, or 1VAC30-46, Accreditation for Commercial Environmental Laboratories.

B. Records.

1. Records of monitoring information shall include:

   a. The date, exact place, and time of sampling or measurements;

   b. The individual(s) who performed the sampling or measurements;

   c. The date(s) and time(s) analyses were performed;

   d. The individual(s) who performed the analyses;

   e. The analytical techniques or methods used; and

   f. The results of such analyses.

2. Except for records of monitoring information required by this permit related to the permittee's sewage sludge use and disposal activities, which shall be retained for a period of at least five years, the permittee shall retain records of all monitoring information, including all calibration and maintenance records and all original strip chart recordings for continuous monitoring instrumentation, copies of all reports required by this permit, and records of all data used to complete the application for this permit, for a period of at least 3 years from the date of the sample, measurement, report or application. This period of retention shall be

extended automatically during the course of any unresolved litigation regarding the regulated activity or regarding control standards applicable to the permittee, or as requested by the Board.

C. Reporting Monitoring Results.

1. The permittee shall submit the results of the monitoring required by this permit not later than the 10th day of the month after monitoring takes place, unless another reporting schedule is specified elsewhere in this permit. Monitoring results shall be submitted to:

Department of Environmental Quality
Tidewater Regional Office
5636 Southern Boulevard
Virginia Beach, VA 23462

2. Monitoring results shall be reported on a Discharge Monitoring Report (DMR) or on forms provided, approved or specified by the Department.

3. If the permittee monitors any pollutant specifically addressed by this permit more frequently than required by this permit using test procedures approved under Title 40 of the Code of Federal Regulations Part 136 or using other test procedures approved by the U.S. Environmental Protection Agency or using procedures specified in this permit, the results of this monitoring shall be included in the calculation and reporting of the data submitted in the DMR or reporting form specified by the Department.

4. Calculations for all limitations which require averaging of measurements shall utilize an arithmetic mean unless otherwise specified in this permit.

D. Duty to Provide Information.

The permittee shall furnish to the Department, within a reasonable time, any information which the Board may request to determine whether cause exists for modifying, revoking and reissuing, or terminating this permit or to determine compliance with this permit. The Board may require the permittee to furnish, upon request, such plans, specifications, and other pertinent information as may be necessary to determine the effect of the wastes from his discharge on the quality of state waters, or such other information as may be necessary to accomplish the purposes of the State Water Control Law. The permittee shall also furnish to the Department upon request, copies of records required to be kept by this permit.

E. Compliance Schedule Reports.

Reports of compliance or noncompliance with, or any progress reports on, interim and final requirements contained in any compliance schedule of this permit shall be submitted no later than 14 days following each schedule date.

F. Unauthorized Discharges.

Except in compliance with this permit, or another permit issued by the Board, it shall be unlawful for any person to:

1. Discharge into state waters sewage, industrial wastes, other wastes, or any noxious or deleterious substances; or

2. Otherwise alter the physical, chemical or biological properties of such state waters and make them detrimental to the public health, or to animal or aquatic life, or to the use of such waters for domestic or industrial consumption, or for recreation, or for other uses.

G. Reports of Unauthorized Discharges.

Any permittee who discharges or causes or allows a discharge of sewage, industrial waste, other wastes or any noxious or deleterious substance into or upon state waters in violation of Part II F; or who discharges or causes or allows a discharge that may reasonably be expected to enter state waters in violation of Part II F, shall notify the Department of the discharge immediately upon discovery of the discharge, but in no case later than 24 hours after said discovery. A written report of the unauthorized discharge shall be submitted to the Department, within five days of discovery of the discharge. The written report shall contain:

1. A description of the nature and location of the discharge;

2. The cause of the discharge;

3. The date on which the discharge occurred;

4. The length of time that the discharge continued;

5. The volume of the discharge;

6. If the discharge is continuing, how long it is expected to continue;

7. If the discharge is continuing, what the expected total volume of the discharge will be; and

8. Any steps planned or taken to reduce, eliminate and prevent a recurrence of the present discharge or any future discharges not authorized by this permit.

Discharges reportable to the Department under the immediate reporting requirements of other regulations are exempted from this requirement.

H. Reports of Unusual or Extraordinary Discharges.

If any unusual or extraordinary discharge including a bypass or upset should occur from a treatment works and the discharge enters or could be expected to enter state waters, the permittee shall promptly notify, in no case later than 24 hours, the Department by telephone after the discovery of the discharge. This notification shall provide all available details of the incident, including any adverse affects on aquatic life and the known number of fish killed. The permittee shall reduce the report to writing and shall submit it to the Department within five days of discovery of the discharge in accordance with Part II I 2. Unusual and extraordinary discharges include but are not limited to any discharge resulting from:

1. Unusual spillage of materials resulting directly or indirectly from processing operations;

2. Breakdown of processing or accessory equipment;

3. Failure or taking out of service some or all of the treatment works; and

4. Flooding or other acts of nature.

I. Reports of Noncompliance

The permittee shall report any noncompliance which may adversely affect state waters or may endanger public health.

1. An oral report shall be provided within 24 hours from the time the permittee becomes aware of the circumstances. The following shall be included as information which shall be reported within 24 hours under this paragraph:

   a. Any unanticipated bypass; and

   b. Any upset which causes a discharge to surface waters.

2. A written report shall be submitted within 5 days and shall contain:

   a. A description of the noncompliance and its cause;

   b. The period of noncompliance, including exact dates and times, and if the noncompliance has not been corrected, the anticipated time it is expected to continue; and

c. Steps taken or planned to reduce, eliminate, and prevent reoccurrence of the noncompliance.

The Board may waive the written report on a case-by-case basis for reports of noncompliance under Part II I if the oral report has been received within 24 hours and no adverse impact on state waters has been reported.

3. The permittee shall report all instances of noncompliance not reported under Parts II I 1 or 2, in writing, at the time the next monitoring reports are submitted. The reports shall contain the information listed in Part II I 2.

NOTE: The immediate (within 24 hours) reports required in Parts II G, H and I may be made to the Department's Regional Office at (757) 518-2000 (voice), and online http://www.deq.virginia.gov/Programs/PollutionResponsePreparedness/PollutionReportingForm.aspx.
For reports outside normal working hours, leave a message and this shall fulfill the immediate reporting requirement. For emergencies, the Virginia Department of Emergency Management maintains a 24 hour telephone service at 1-800-468-8892.

J. Notice of Planned Changes.

1. The permittee shall give notice to the Department as soon as possible of any planned physical alterations or additions to the permitted facility. Notice is required only when:

a. The permittee plans alteration or addition to any building, structure, facility, or installation from which there is or may be a discharge of pollutants, the construction of which commenced:

(1) After promulgation of standards of performance under Section 306 of Clean Water Act which are applicable to such source; or

(2) After proposal of standards of performance in accordance with Section 306 of Clean Water Act which are applicable to such source, but only if the standards are promulgated in accordance with Section 306 within 120 days of their proposal;

b. The alteration or addition could significantly change the nature or increase the quantity of pollutants discharged. This notification applies to pollutants which are subject neither to effluent limitations nor to notification requirements specified elsewhere in this permit; or

c. The alteration or addition results in a significant change in the permittee's sludge use or disposal practices, and such alteration, addition, or change may justify the application of permit conditions that are different from or absent in the existing permit, including notification of additional use or disposal sites not reported during the permit application process or not reported pursuant to an approved land application plan.

2. The permittee shall give advance notice to the Department of any planned changes in the permitted facility or activity which may result in noncompliance with permit requirements.

K. Signatory Requirements.

1. Applications. All permit applications shall be signed as follows:

a. For a corporation: by a responsible corporate officer. For the purpose of this section, a responsible corporate officer means: (i) A president, secretary, treasurer, or vice-president of the corporation in charge of a principal business function, or any other person who performs similar policy- or decision-making functions for the corporation, or (ii) the manager of one or more manufacturing, production, or operating facilities, provided the manager is authorized to make management decisions which govern the operation of the regulated facility including having the explicit or implicit duty of making major capital investment recommendations, and initiating and directing other comprehensive measures to assure long term environmental compliance with environmental laws and regulations; the manager can ensure that the necessary systems are established or actions taken to gather complete and accurate information for permit application requirements; and where authority to sign documents has been assigned or delegated to the manager in accordance with corporate procedures;

b. For a partnership or sole proprietorship: by a general partner or the proprietor, respectively; or

c. For a municipality, state, federal, or other public agency: By either a principal executive officer or ranking elected official. For purposes of this section, a principal executive officer of a public agency includes: (i) The chief executive officer of the agency, or (ii) a senior executive officer having responsibility for the overall operations of a principal geographic unit of the agency.

2. Reports, etc. All reports required by permits, and other information requested by the Board shall be signed by a person described in Part II K 1, or by a duly authorized representative of that person. A person is a duly authorized representative only if:

   a. The authorization is made in writing by a person described in Part II K 1;

   b. The authorization specifies either an individual or a position having responsibility for the overall operation of the regulated facility or activity such as the position of plant manager, operator of a well or a well field, superintendent, position of equivalent responsibility, or an individual or position having overall responsibility for environmental matters for the company. (A duly authorized representative may thus be either a named individual or any individual occupying a named position.); and

   c. The written authorization is submitted to the Department.

3. Changes to Authorization. If an authorization under Part II K 2 is no longer accurate because a different individual or position has responsibility for the overall operation of the facility, a new authorization satisfying the requirements of Part II K 2 shall be submitted to the Department prior to or together with any reports, or information to be signed by an authorized representative.

4. Certification. Any person signing a document under Parts II K 1 or 2 shall make the following certification:

   "I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations."

L. Duty to Comply.

The permittee shall comply with all conditions of this permit. Any permit noncompliance constitutes a violation of the State Water Control Law and the Clean Water Act, except that noncompliance with

certain provisions of this permit may constitute a violation of the State Water Control Law but not the Clean Water Act. Permit noncompliance is grounds for enforcement action; for permit termination, revocation and reissuance, or modification; or denial of a permit renewal application.

The permittee shall comply with effluent standards or prohibitions established under Section 307(a) of the Clean Water Act for toxic pollutants and with standards for sewage sludge use or disposal established under Section 405(d) of the Clean Water Act within the time provided in the regulations that establish these standards or prohibitions or standards for sewage sludge use or disposal, even if this permit has not yet been modified to incorporate the requirement.

M. Duty to Reapply.

If the permittee wishes to continue an activity regulated by this permit after the expiration date of this permit, the permittee shall apply for and obtain a new permit. All permittees with a currently effective permit shall submit a new application at least 180 days before the expiration date of the existing permit, unless permission for a later date has been granted by the Board. The Board shall not grant permission for applications to be submitted later than the expiration date of the existing permit.

N. Effect of a Permit.

This permit does not convey any property rights in either real or personal property or any exclusive privileges, nor does it authorize any injury to private property or invasion of personal rights, or any infringement of federal, state or local law or regulations.

O. State Law.

Nothing in this permit shall be construed to preclude the institution of any legal action under, or relieve the permittee from any responsibilities, liabilities, or penalties established pursuant to any other state law or regulation or under authority preserved by Section 510 of the Clean Water Act. Except as provided in permit conditions on "bypassing" (Part II U), and "upset" (Part II V) nothing in this permit shall be construed to relieve the permittee from civil and criminal penalties for noncompliance.

P. Oil and Hazardous Substance Liability.

Nothing in this permit shall be construed to preclude the institution of any legal action or relieve the permittee from any responsibilities, liabilities, or penalties to which the permittee is or may be subject under Sections 62.1-44.34:14 through 62.1-44.34:23 of the State Water Control Law.

Q. Proper Operation and Maintenance.

The permittee shall at all times properly operate and maintain all facilities and systems of treatment and control (and related appurtenances) which are installed or used by the permittee to achieve compliance with the conditions of this permit. Proper operation and maintenance also includes effective plant performance, adequate funding, adequate staffing, and adequate laboratory and process controls, including appropriate quality assurance procedures. This provision requires the operation of back-up or auxiliary facilities or similar systems which are installed by the permittee only when the operation is necessary to achieve compliance with the conditions of this permit.

R. Disposal of Solids or Sludges.

Solids, sludges or other pollutants removed in the course of treatment or management of pollutants shall be disposed of in a manner so as to prevent any pollutant from such materials from entering state waters.

S. Duty to Mitigate.

The permittee shall take all reasonable steps to minimize or prevent any discharge or sludge use or disposal in violation of this permit which has a reasonable likelihood of adversely affecting human health or the environment.

T. Need to Halt or Reduce Activity not a Defense.

It shall not be a defense for a permittee in an enforcement action that it would have been necessary to halt or reduce the permitted activity in order to maintain compliance with the conditions of this permit.

U. Bypass.

1. "Bypass" means the intentional diversion of waste streams from any portion of a treatment facility. The permittee may allow any bypass to occur which does not cause effluent limitations to be exceeded, but only if it also is for essential maintenance to assure efficient operation. These bypasses are not subject to the provisions of Parts II U 2 and U 3.

2. Notice

a. Anticipated bypass. If the permittee knows in advance of the need for a bypass, prior notice shall be submitted, if possible at least ten days before the date of the bypass.

b. Unanticipated bypass. The permittee shall submit notice of an unanticipated bypass as required in Part II I.

3. Prohibition of bypass.

a. Bypass is prohibited, and the Board may take enforcement action against a permittee for bypass, unless:

(1) Bypass was unavoidable to prevent loss of life, personal injury, or severe property damage;

(2) There were no feasible alternatives to the bypass, such as the use of auxiliary treatment facilities, retention of untreated wastes, or maintenance during normal periods of equipment downtime. This condition is not satisfied if adequate back-up equipment should have been installed in the exercise of reasonable engineering judgment to prevent a bypass which occurred during normal periods of equipment downtime or preventive maintenance; and

(3) The permittee submitted notices as required under Part II U 2.

b. The Board may approve an anticipated bypass, after considering its adverse effects, if the Board determines that it will meet the three conditions listed above in Part II U 3 a.

V. Upset.

1. An upset constitutes an affirmative defense to an action brought for noncompliance with technology based permit effluent limitations if the requirements of Part II V 2 are met. A determination made during administrative review of claims that noncompliance was caused by upset, and before an action for noncompliance, is not a final administrative action subject to judicial review.

2. A permittee who wishes to establish the affirmative defense of upset shall demonstrate, through properly signed, contemporaneous operating logs, or other relevant evidence that:

a. An upset occurred and that the permittee can identify the cause(s) of the upset;

b. The permitted facility was at the time being properly operated;

c. The permittee submitted notice of the upset as required in Part II I; and

d. The permittee complied with any remedial measures required under Part II S.

3. In any enforcement proceeding the permittee seeking to establish the occurrence of an upset has the burden of proof.

W. Inspection and Entry.

The permittee shall allow the Director, or an authorized representative, upon presentation of credentials and other documents as may be required by law, to:

1. Enter upon the permittee's premises where a regulated facility or activity is located or conducted, or where records must be kept under the conditions of this permit;

2. Have access to and copy, at reasonable times, any records that must be kept under the conditions of this permit;

3. Inspect at reasonable times any facilities, equipment (including monitoring and control equipment), practices, or operations regulated or required under this permit; and

4. Sample or monitor at reasonable times, for the purposes of assuring permit compliance or as otherwise authorized by the Clean Water Act and the State Water Control Law, any substances or parameters at any location.

For purposes of this section, the time for inspection shall be deemed reasonable during regular business hours, and whenever the facility is discharging. Nothing contained herein shall make an inspection unreasonable during an emergency.

X. Permit Actions.

Permits may be modified, revoked and reissued, or terminated for cause. The filing of a request by the permittee for a permit modification, revocation and reissuance, or termination, or a notification of planned changes or anticipated noncompliance does not stay any permit condition.

Y. Transfer of permits.

1. Permits are not transferable to any person except after notice to the Department. Except as provided in Part II Y 2, a permit may be transferred by the permittee to a new owner or operator only if the permit has been modified or revoked and reissued, or a minor modification made, to identify the new permittee and incorporate such other requirements as may be necessary under the State Water Control Law and the Clean Water Act.

2. As an alternative to transfers under Part II Y 1, this permit may be automatically transferred to a new permittee if:

   a. The current permittee notifies the Department at least 30 days in advance of the proposed transfer of the title to the facility or property;

   b. The notice includes a written agreement between the existing and new permittees containing a specific date for transfer of permit responsibility, coverage, and liability between them; and

   c. The Board does not notify the existing permittee and the proposed new permittee of its intent to modify or revoke and reissue the permit. If this notice is not received, the transfer is effective on the date specified in the agreement mentioned in Part II Y 2 b.

Z. Severability.

The provisions of this permit are severable, and if any provision of this permit or the application of any provision of this permit to any circumstance, is held invalid, the application of such provision to other circumstances, and the remainder of this permit, shall not be affected thereby.